

**IT IS SO ORDERED.**

**Dated: June 25, 2010  
12:28:36 PM**

  
*Kay Woods*  
\_\_\_\_\_  
**Kay Woods**  
**United States Bankruptcy Judge**

200923375  
(JJR)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
AT YOUNGSTOWN

IN RE:

Dessie J. Pack

Debtor(s)

Case No. 09-41289

Chapter 13

Judge Woods

**AGREED ORDER FOR RELIEF FROM  
STAY OF U.S. BANK, N.A. (PROPERTY  
ADDRESS: 597 OAK KNOLL AVENUE  
SOUTHEAST, WARREN, OHIO 44483)**

This matter came to be considered on the Motion for Relief From Stay (the "Motion") filed U.S. Bank, N.A. ("Movant").

Movant has alleged that good cause exists for granting the Motion and that Debtor, counsel for Debtor, the Chapter 13 Trustee, and all other necessary parties were served with this Motion and with notice of the hearing date for this Motion; and

The parties have entered into an agreement resolving the Motion, **the terms of which are set forth as follows:** The post-petition arrearage due as of June 30, 2010, is \$9,346.99, which amount consists of 3 payments (7/1/09 through 9/1/09) at \$684.84 each, and also consists of 9 payments (10/1/09 through 6/1/10) at \$700.90 each, 3 late charges (7/1/09 through 9/1/09) at \$27.39 each, and also consists of 9 late charges (10/1/09 through 6/1/10) at \$28.04, and \$650.00 for attorney fees and costs incurred herein, less \$0.16 in debtor's suspense account.

In order to cure said post-petition arrearage, Creditor is permitted to file a Supplemental Proof of Claim in the amount of \$9,346.99.

Said lump sum payment is in addition to the regular monthly mortgage payments due and owing for said months. All payments shall be tendered to:

U.S. Bank Home Mortgage  
4801 Frederica Street  
Owensboro, KY 42301

This payment address is subject to change.

Failure by the Debtor to make any payment described above shall constitute a default.

**IT IS THEREFORE, ORDERED:**

1. The Debtor shall maintain regular monthly post-petition payments to Movant outside the Chapter 13 plan beginning with a payment due July 1, 2010. Failure by the Debtor to make any payment within **15** days of the date due shall constitute a default.

2. Upon the existence of a default, **Counsel for Movant, its successors and assigns, or servicers** may send Debtor and counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.

3. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant, **or successors and assigns, or servicers** attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code

with respect to Movant, its successors and assigns, **or servicers. The only ground for objection to such an Order shall be that payments were timely made.**

###

SUBMITTED BY:

APPROVED BY:

/s/ Michael R. Proctor, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Ohio Supreme Court #0076240  
Romi T. Fox, Attorney  
Ohio Supreme Court #0037174  
A Legal Professional Assoc.  
P.O. Box 5480  
Cincinnati, Ohio 45201-5480  
(513) 241-3100 ext. 3224  
(513) 354-6464 fax  
nohbk@lsrlaw.com

Attorneys for Movant,  
U.S. Bank, N.A.

/s/ Robert P. Safos, Case Attorney  
Ohio Supreme Court #0005044  
Robert P. Safos  
585 East Market Street  
Warren, OH 44481-1242  
(216) 395-1800

Attorney for Debtor(s),  
Dessie J. Pack

COPIES TO:

Dessie J. Pack  
597 Oak Knoll Ave., SE  
Warren, OH 44483

Robert P. Safos, Debtor's Counsel  
585 East Market Street  
Warren, OH 44481-1242

Michael A. Gallo, Trustee  
20 Federal Plaza W  
# 602  
Youngstown, OH 44503

Office of the U.S. Trustee  
20 Federal Plaza West, Suite 600  
Youngstown, OH 44503

US Bank  
P.O. Box 20005  
Owensboro, KY 42304-0005

Michael R. Proctor, Esq.  
LERNER, SAMPSON & ROTHFUSS  
P.O. Box 5480  
Cincinnati, Ohio 45201-5480